

1 BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

2
3 SKAGIT COUNTY GROWTHWATCH,
4 CITIZENS TO PROTECT BAY VIEW RIDGE,

Case No. 07-2-0026

5
6 Petitioners,

ORDER DISMISSING THE CASE

7 v.

8 SKAGIT COUNTY,
9

10 Respondent.
11

12
13 This MATTER comes to the Board on Skagit County's Dispositive Motion To Dismiss for
14 Lack of Standing filed with the Board on January 7, 2008. On January 16, 2008, Petitioner
15 filed Withdrawal of Petition for Review, asserting that "Petitioners are satisfied that the
16 County is working on compliance with these Open Space requirements and so Petitioners
17 find that nothing more is to be gained by pursuing this Petition at this time."¹
18

19 **DISCUSSION**

20 The Boards' Rules of Practice and Procedure provide that an action may be dismissed:

- 21 (1) When all parties stipulate;
22 (2) Upon motion of the petitioner or respondent prior to the presentation of the
23 respondent's case.
24 (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute
25 the case, failed to comply with these rules, or failed to follow any order of the
26 board; or
27 (4) Upon a board's own motion for failure by the parties to comply with these rules or
28 any order of the board.

WAC 242-02-720.

29
30 Here, Petitioners have withdrawn their petition prior to the presentation of the County's
31 case. Dismissal is appropriate.
32

¹ Withdrawal of Petition for Review at 2-3.

1 **ORDER**

2 Based on the foregoing, this case is hereby DISMISSED.

3
4 Entered this 24th day of January 2008.

5
6 _____
7 Holly Gadbow, Board Member

8
9 _____
10 Margery Hite, Board Member

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12 _____
13 James McNamara, Board Member

14 Pursuant to RCW 36.70A.300 this is a final order of the Board.

15
16 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the
17 mailing of this Order to file a petition for reconsideration. Petitions for
18 reconsideration shall follow the format set out in WAC 242-02-832. The original and
19 three copies of the petition for reconsideration, together with any argument in
20 support thereof, should be filed by mailing, faxing or delivering the document directly
21 to the Board, with a copy to all other parties of record and their representatives.
22 **Filing means actual receipt of the document at the Board office.** RCW 34.05.010(6),
WAC 242-02-330. The filing of a petition for reconsideration is not a prerequisite for
filing a petition for judicial review.

23
24 **Judicial Review.** Any party aggrieved by a final decision of the Board may appeal the
25 decision to superior court as provided by RCW 36.70A.300(5). Proceedings for
26 judicial review may be instituted by filing a petition in superior court according to the
procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil

27
28 **Enforcement.** The petition for judicial review of this Order shall be filed with the
29 appropriate court and served on the Board, the Office of the Attorney General, and all
30 parties within thirty days after service of the final order, as provided in RCW
31 34.05.542. Service on the Board may be accomplished in person, by fax or by mail,
32 but service on the Board means **actual receipt of the document at the Board office**
within thirty days after service of the final order.

Service. This Order was served on you the day it was deposited in the United States
mail. RCW 34.05.010(19)

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ORDER DISMISSING CASE
Case No. 07-2-0026
January 24, 2008
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Western Washington
Growth Management Hearings Board
515 15th Avenue SE
P.O. Box 40953
Olympia, Washington 98504-0953
Phone: 360-725-3870
Fax: 360-664-8975